

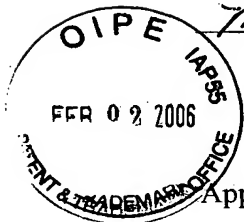
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Docket No: 10738-51

PATENT

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 30, 2006.



Marlene Troxle
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: HASSETT, Daniel J. et al. : Paper No.:
Serial No.: 10/689,327 : Group Art Unit: 1614
Filed: October 20, 2003 : Examiner: To be assigned
For: **Methods for Cystic Fibrosis Disease Assessment and Methods for Treating Anaerobic Pseudomonas Aeruginosa Biofilms in Cystic Fibrosis Disease**

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Official Action dated December 28, 2005, the Examiner required restriction under 35 U.S.C. §121 between claims 1-2 (I), drawn to methods for Cystic Fibrosis disease assessment comprising detecting the presence or absence of outer membrane protein, classified in class 436, subclass 501, claims 3-4 (II), drawn to methods for Cystic Fibrosis disease assessment comprising detecting the presence or absence of antibodies to outer membrane protein, classified in class 436, subclass 513, claims 5-6 (III), drawn to methods of treating *Pseudomonas aeruginosa* biofilms in Cystic fibrosis disease comprising detecting the presence or absence of outer membrane protein, classified in class 424, subclass 184.1, and claims 7-8 (IV), drawn to methods of treating *Pseudomonas aeruginosa* biofilms in Cystic Fibrosis disease comprising detecting the presence or absence of antibodies to outer membrane protein, classified in class 424, subclass 164.1.

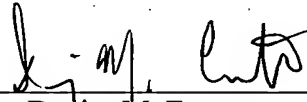
The Examiner asserts that the "inventions" defined by this restriction are unrelated because "each group is drawn to a different method of utilizing differing reagents and having differing goals." Provisionally, Applicants elect the invention of claim groups I and II. In the absence of agreement with Applicants reasoning, Applicants elect to prosecute the claims of I.

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Amendment Dated: Jan. 30, 2006
Reply to 12/28/2005 Office Action

This election is made with traverse on the basis that it would not be unduly burdensome for the Examiner to examine all claims 1-8, but, in particular, it would not be unduly burdensome for the Examiner to examine claims 1-4 together, since, by the Examiner's own admission, the subject matter of these claims belongs to the same class. In addition, the purpose/goal is the same, with all four claims drawn to methods for Cystic Fibrosis disease assessment. Moreover, Applicants note the likelihood of substantial overlap in search parameters and references, since detecting presence or absence of antibodies to a protein is a subset method of detecting the presence or absence of a protein in general.

Accordingly, reconsideration of the restriction requirement and examination of claims 1-8, or, in the alternative, claims 1-4, in the present application is respectfully requested.

Respectfully submitted,



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